

to assist the Journal Clerk in making a synopsis of the bills as introduced, was adopted.

The motion to reconsider was adopted by the following vote:

YEAS—19.

Abercrombie,	Jarvis,
Allen,	Lane,
Armistead,	McDonald,
Bell,	MacManus,
Camp,	Pope,
Claiborne,	Stinson,
Douglass of G,	Terrell,
Field,	Woods,
Gregg,	Woodward.
Harrison,	

NAYS—7.

Burney,	Garrison,
Calhoun,	Glassecock,
Davis,	Sinkins.
Frank,	

ABSENT—5.

Burges,	Knittle,
Douglass of J,	Upshaw,
Houston,	

Senator Claiborne moved to strike out the word "clerk," and insert the word "stenographer."

Adopted.

Senator Harrison offered the following amendment:

Amend by adding "who shall receive the same pay as clerks."

Adopted, and the resolution was passed as amended.

On motion of Senator McDonald, Senate bill No. 7, the "bucket shop" bill, was made special order for Monday next, after morning call.

By Senator Bell, by leave:

A bill to be entitled "An act to provide for the appointment of receivers in cases of attachment or garnishment, and to prescribe the duties and powers of the same."

Referred to Judiciary Committee No. 1.

The President announced the appointment of Geo. M. Israel to be Assistant Journal Clerk, in making synopsis of the bills.

Senate bill No. 36, "An act to be entitled, 'an act to repeal chapter 45 of the General Laws of the State of Texas, passed by the Seventeenth Legislature of the State of Texas, and approved March 15, A. D. 1881,'" was laid before the Senate, read third time, and passed.

On motion of Senator Frank,

The Senate adjourned till 10 o'clock to-morrow morning.

THIRTEENTH DAY.

SENATE CHAMBER. }

AUSTIN, TEXAS, January 25, 1887. }

The Senate met pursuant to adjournment.

(Lieutenant Governor Wheeler in the chair).

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Stinson,

The reading of the Journals was dispensed with.

Senator Burney asked to have the Journal corrected to show that it was Senate bill No. 85 and not Senate House bill No. 85, was acted on yesterday.

(Journal corrected).

The error was a misprint.

On motion of Senator Garrison,

Senator Allen was excused for four days on account of important business.

PETITIONS AND MEMORIALS.

By Senator Camp:

Petition from citizens of Smith county protesting against the passage of the bill reducing the rates charged by telephone companies.

Referred to Committee on Internal Improvements:

By Senator Burney:

Petition from citizens of El Paso, against bill reducing the rates charged by telephone companies.

Referred to Committee on Internal Improvements.

By Senator McDonald:

Petition from citizens of Red River county relative to city convicts.

Referred to Judiciary Committee No. 2.

COMMITTEE REPORTS.

By Senator Garrison:

COMMITTEE ROOM. }

AUSTIN, January, 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Penitentiaries, to whom was referred Senate bill No. 82, the same being a bill entitled "An act to reduce the term of imprisonment of State convicts for good behavior," have carefully examined the same, and instruct me to report it back to the Senate with the recommendation that it do not pass.

Your committee are of the opinion that the objects sought to be attained

by the passage of this bill are, in the main, provided for by the law now in force upon the same subject.

All of which is respectfully submitted.

GARRISON, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, January 24, 1887. }
To Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to which was referred Senate bill No. 70, entitled "An act to amend Article 4489 and Article 4492, title 90, of the Revised Statutes," have carefully considered the same, and instruct me to report it back with the recommendation that with attached amendments it do pass.

The bill seeks to change the law in regard to the issue of writs of sequestration, and to provide additional grounds for the issuance of such writ.

Respectfully submitted,

TERRELL, chairman.

The bill was read the first time.
By Senator Terrell:

COMMITTEE ROOM, }
AUSTIN, January 24, 1887. }
To Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to which was referred Senate bill No. 60, entitled "An act to amend article 182 of the Revised Civil Statutes," have carefully considered the same, and instruct me to report it back, with the recommendation that it do not pass.

The bill seeks to change the law in regard to retaining property in custodia legis when an attachment is quashed, and the plaintiff appeals.

Respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, January 24, 1887. }
To Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to which was referred Senate bill No. 103, entitled "An act to authorize railway companies to abandon certain portions of their roads near the coast where their termini are at points where towns being county sites have been destroyed by storms or cyclones," have examined the same and instruct me to report it back with the recommendation that it

be referred to the Committee on Internal Improvements, to which it properly belongs.

Respectfully submitted.

TERRELL, Committee.

Bill read first time and referred to Committee on Internal Improvements.

COMMITTEE ROOM, }
AUSTIN, January 24, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to which was referred Senate bill No. 53, entitled, "An act to amend section 5, of an act regulating and defining the duties of notaries public," have carefully considered the same, and instruct me to report it back with the recommendation that it do pass, with attached amendments.

The bill seeks to establish a specific kind of seal for notaries public.

Respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, January 24, 1887. }
To Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to which was referred Senate bill No. 55, entitled "An act to amend Article 4489, title 90, of the Revised Statutes," have carefully considered the same and instruct me to report it back with the recommendation that it lie on the table to await action on Senate bill No. 70, on the same subject.

The bill seeks to change the law in regard to the issue of writs of sequestration.

Respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, January 24, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to which was referred Senate bill No. 88, entitled "An act to repeal section 4, of chapter 12, of the General Laws," have carefully considered the same and a majority of said committee instruct me to report it back with the recommendation that it do pass. The bill repeals the law which prohibits the bringing of mandamus suits against the State.

Respectfully submitted.

E. J. SIMKINS,
Acting chairman.

Bill read first time.

By Mr. Bell:

COMMITTEE ROOM, }
AUSTIN, January 22, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 2, to whom was referred Senate bill No. 8, the same being "A bill to be entitled an act to amend chapter 85 of an act entitled 'an act to prevent fishing and hunting on the enclosed lands of another,'" approved March 31, 1885, have carefully examined the same and instruct me to report it back to the Senate with the recommendation that it do not pass. Repeal that portion of the act in reference to hunting within the enclosed and posted land of another, which limits the size of the enclosure to 2000 acres or less.

In the opinion of your committee the proposed amendment should not be made.

All of which is respectfully submitted,

BELL, chairman.

Bill read first time.

MINORITY REPORT.

By Senator Woods:

SENATE CHAMBER, }
AUSTIN, January 24, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—The undersigned, a minority of Judiciary Committee No. 2, to whom was referred Senate bill No. 8, beg leave to submit this, a minority report on said bill and respectfully asks the Senate to carefully consider and pass the same.

I respectfully present for the consideration of the Senate the following reasons why the bill should become a law:

1. As the law is now, it discriminates between persons who own small and large enclosures.

2. It provides no protection to those who own more than two thousand acres, whether in farms or pastures.

3. All who inclose over two thousand acres are at the mercy of professional hunters and tramps, who enter upon inclosed lands of another, and by reckless hunting with long-range guns, kill stock in considerable numbers, which also are made wild by the constant discharge of fire arms in their range. The grass is frequently burnt and range destroyed by the carelessness of these marauders.

4. The proposed bill is intended to protect all inclosures alike, whether large or small, while the law (which this bill proposes to amend) gives protection to those who own less than two thousand acres, thereby making a discrimination as aforesaid. WOODS.

A message was received from the House announcing the passage of House bill No. 8. "An act to prevent the acceptance of free railroad passes or tickets, or the use of the same or any device in lieu thereof, by State, district and county officers and to prescribe penalties therefor."

And that the House has adopted the Senate concurrent resolution to ascertain what repairs are necessary upon the Governor's mansion, and that Messrs. Larkin, Smith of Travis and Heath, have been appointed a committee upon the part of the House.

BILLS AND RESOLUTIONS.

By Senator Douglass of Grayson:

"An act to authorize counties, cities and towns to compromise and adjust certain bonded indebtedness, and to provide for the levy and collection of taxes to pay the interest and sinking fund."

Referred to Judiciary Committee No. 1.

And, "An act to authorize counties, cities and towns in this State, which have issued bonds to aid in the construction of railroads and other internal improvements, to adjust their rate of taxation so as to provide for the payment of the interest and sinking fund upon the same."

Referred to Judiciary Committee No. 1.

By Senator Glasscock:

A bill to be entitled "An act to repeal Article 2400, and to amend Article 2401, title 42, Revised Civil Statutes."

The bill provides that constables shall be allowed the same fees that are allowed sheriffs for the performance of like duties.

Referred to Judiciary Committee No. 1.

And, a bill to be entitled "An act to amend section 1, chapter 90, of the Revised Civil Statutes."

The bill changes the law on fences so as to make a wire fence without a plank or rail a lawful fence."

By Senator MacManus.

A bill to be entitled "An act to amend the Revised Statutes of the State of Texas by adding thereto a title to be styled title 52a."

Section 1. Be it enacted by the Legislature of the State of Texas, that the Revised Statutes of the State of Texas, be and they are hereby amended by adding thereto a title to be styled title 52a, as follows:

Title 52a—Injuries to persons by defamation libel.

Article 2909a. A libel is a censorious written or printed and published document, paper, picture or sign, calculated to produce or excite ridicule, contempt or hatred of any person, made with an actual malicious intent to injure the person against whom it is directed, whether he be therein named or otherwise designated.

Article 2909b. The owners of newspapers, and other written, printed or pictorial means of communication with the public, shall be liable in damage, commensurate with the injuries they inflict, for libels published by them, injurious to persons, in their reputations, property, rights, or occupations, if such publications be made with actual malice.

Article 2909c. No action shall be maintained in the courts of this State for the publication of comment on the official conduct or proceedings of public officers, committees, or other bodies or individuals in the discharge of public official duties; nor for the publication of reports of judicial, legislative, or other branch of the State government, nor for publication of any statement, speech, argument or debate, arising out of, or made in connection with any official investigation, unless such publication is made with actual malice toward the person thereby alleged to be injured.

Article 2909d. In suits arising under the provisions of this title, actual malice shall be construed to consist in the publication of any statement or thing with the intent to injure the person therein named or designated.

Article 2909e. In cases of libels upon private persons, where no public benefit can result from the publication complained of, the facts of such publication shall constitute a conclusive presumption of actual malice on the part of the publisher against such private person.

Article 2909f. Civil actions for damages for libels may be instituted in the district court of the county where the defendant resides, or in the county of the plaintiff's residence, whenever the libel for which the action is brought was committed in such counties.

Referred to Judiciary Committee No. 1.

By Senator Garrison:

A bill to be entitled "An act to amend Article 4665, chapter 1, title 95, of the Revised Statutes by adding thereto Article 4665a."

This bill provides that mutual relief associations chartered by the State having no capital stock, and sustained by assessments, shall be exempted from taxation, and also providing for a report to be made on the first of January each year to the department of insurance, of the operations of such associations, etc., etc.

Referred to Committee on Insurance, Statistics and History.

By Senator Lane:

A bill to be entitled "An act to regulate the leasing and sale of the public lands, common school lands, University lands, and the Deaf and Dumb, Blind Orphan and Lame Asylum lands of the State of Texas, and to repeal all laws in conflict herewith."

Referred to Committee on Public Lands.

By Senator Terrell:

"An act to amend Article 568, title 20, chapter 2, of an act to adopt and establish the Revised Civil Statutes of the State of Texas."

This bill provides that an intended corporation must be subscribed by three or more persons, two of whom must be citizens of this State and be acknowledged; that all charters for literary, charitable, benevolent, educational and missionary undertakings as may be subscribed by married women, who may also be stockholders, officers and directors thereof, and validating their acts, contracts and deeds as such, etc.

By Senator Stinson:

"An act to amend chapter 3, Article 417 of the Code of Criminal Procedure."

The bill provides misdemeanors shall be prosecuted by information only and grand juries shall investigate only such offenses as are punishable by imprisonment in the penitentiary.

Senator Davis called up House resolution in regard to appointment of a joint committee to visit the penitentiaries.

Senator Burges offered the following amendment:

Amend so as to read, "two from the Senate and three from the House."

The amendment was adopted.

Senator Field offered the following amendment:

"That this committee shall also visit and inspect the several convict camps in Robertson county."

The amendment was adopted.

The resolution as amended was then adopted.

Senator Harrison, by leave, introduced an act to be entitled "An act to amend Article 610, of chapter 5, of title 20, of the Revised Civil Statutes of the State of Texas, so that said Article shall read as follows: 'Article 610. Every stockholder shall be individually liable to pay the debts of the corporation to the extent of the amount unpaid on his stock, and for an additional amount equal to the amount of stock owned by him.'

Referred to Judiciary Committee No. 1.

And, a bill to be entitled "An act to fix the venue in civil suits instituted in behalf of the State."

This bill provides that the venue of all civil suits in behalf of the State shall be at the seat of government.

Senator Calhoun moved to postpone until 11 o'clock the special order, being the bill for the relief of the drouth sufferers, substitute Senate bill, No. 74.

The motion was adopted.

The President laid before the Senate Senate bill No. 85, being "An act to establish and organize the county of Mills."

On motion of Senator Bell,

The rules requiring the bill to be engrossed was suspended.

The bill was read a third time and passed by the following vote:

YEAS—26.

Abercrombie,	Glasscock,
Armistead,	Harrison,
Bell,	Houston,
Burges,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Camp,	MacManus,
Claiborne,	Simkins,
Davis,	Stinson,
Douglass of J,	Terrell,
Field,	Upshaw,
Frank,	Woods,
Garrison,	Woodward.

NAYS—1.

Douglass of G.

ABSENT—3.

Gregg, Pope.
McDonald,

Senate bill No. 18, a bill to be entitled "An act to define and fix the liability of joint obligors and their estates," was laid before the Senate in its regular order, read third time and passed.

Senate bill No. 21, a bill to be entitled "An act to amend Article 4, title 2, of the Revised Civil Statutes of the State of Texas, approved May 31, 1885, concerning the administration of affidavits, oaths and affirmations," was laid before the Senate, read third time, and passed.

Senate bill No. 2, "An act to restore civil and criminal jurisdiction to the county court of Live Oak county," was taken up, read second, time with favorable committee report.

On motion of Senator Woodward, Karnes county was added, and

On motion of Senator Houston, Throckmorton county was also added to the bill.

On motion of Senator Woods, the caption was amended to conform to amendments adopted and as amended,

The bill was ordered engrossed.

Senate bill No. 9, a bill to be entitled "An act to amend Articles 1770, 1771, 1772, 1773, 1777 and 1780, of the Revised Civil Statutes, to better regulate the laws of escheats," was taken up, read second time, with unfavorable committee report, and

On motion of Senator Terrell,

The report was adopted and the bill lost.

Senate bill No. 12, "A bill to be entitled 'an act to amend Article 617, chapter 2, Code of Criminal Procedure,'" was laid before the Senate, read second time, with favorable committee report.

Senator Bell explained the objects of the bill, favoring its engrossment, and it was ordered engrossed.

Senate bill No. 14, a bill to be entitled "An act to define and punish the conversion of personal property by hirers, borrowers and other bailees," was before the Senate and read second time with favorable committee report.

Senator Bell explained the provisions of the bill.

Senator Harrison, objecting to immediate consideration,

On motion of Senator Lane it was postponed until next Monday.

Senator Woodward, by leave, introduced a bill entitled "An act to amend Article 137 of the Code of Criminal Procedure."

The bill provides that writs of habeas corpus shall be returnable to any county in the district where the

offense is committed instead of only to the county in which the offense is committed, by and with the consent of the applicant and the judge issuing the writ.

Referred to Judiciary Committee No. 2.

Senate bill Mo. 31, a bill to be entitled "An act to amend Article 1636, of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature," was laid before the Senate, read second time, with favorable committee report and amendment.

Senator Terrell stated the objects of the bill and amendment.

The amendment was adopted, and the bill was ordered engrossed.

Senate bill No. 45, a bill to be entitled "An act, to be entitled 'an act' to amend Article 3602, chapter 10, title 71, of the Revised Civil Statutes of the State of Texas, relating to to the hiring of county convicts, approved May 4, 1882," was laid before the Senate and read second time.

Senator Camp explained the objects of the bill and it was ordered engrossed.

On motion of Senator Calhoun,

Consideration of Senate substitute bill No. 74, "A bill to be entitled 'an act to provide for the relief of citizens of Texas, sufferers by reason of the drought, to make an appropriation therefor, and to prescribe the manner in which it shall be distributed,'" was postponed until to-morrow, and it was made the second special order after the morning call.

Senate bill No. 52, "An act to provide for the separation of partitions or adjoining fences, and to prescribe the penalty for a violation of the provisions of this act," was taken up, read second time, with favorable committee report and committee amendments.

Senator Stinson, speaking to the bill, favored the committee amendments, which were adopted and the bill was ordered engrossed.

Senator Terrell offered the following resolution:

Resolved. That the Senate do now proceed to the election of a Senator to represent the State of Texas in the Senate of the United States for the term of six years, beginning with March 4, A. D. 1887.

Adopted.

Nominations for United States Senator were declared in order.

Senator Temple Houston placed the name of Hon. Sam Bell Maxey, of Lamar county, in nomination.

After which, there being a pause, Senator Douglass of Jefferson moved that if there be no further nominations, the Senate now proceed to ballot.

The motion was lost

Senator Lane nominated Hon. John H. Reagan of Anderson county.

Senator Bell nominated Hon. A. W. Terrell of Travis.

Senator Pope nominated Hon. John Ireland of Guadalupe county.

Senator Gregg addressed the Senate in support of the Hon. John H. Reagan.

Senator Field seconded the nomination of Hon. A. W. Terrell.

Senator Burney seconded the nomination of Hon. John Ireland.

Senator Upshaw seconded the nomination of Hon. S. B. Maxey.

Senator Knittle seconded the nomination of Hon. John Ireland.

Senator McDonald seconded the nomination of Hon. S. B. Maxey.

The Senate then proceeded to ballot, with the following result:

VOTE FOR UNITED STATES SENATOR.

AUSTIN, January 25, 1887.

Sensors.	Giddings.	Maxey.	Ireland.	Reagan.	Terrell.
Abercrombie.....	1	.....	.....	.....
Armistead.....	1	.....	.....	.....
Bell.....	1
Burges.....	1	.....	.....
Burney.....	1	.....	.....
Calhoun.....	1	.....	.....	.....
Camp.....	1	.....	.....
Claiborne.....	1	.....	.....	.....	.....
Davis.....	1	.....
Douglass of Jefferson.....	1	.....	.....	.....
Douglass of Grayson.....	1	.....	.....	.....
Field.....	1
Frank.....	1	.....	.....	.....
Garrison.....	1	.....	.....
Glaescock.....	1
Gregg.....	1	.....
Harrison.....	1
Houston.....	1	.....	.....	.....
Jarvis.....	1	.....	.....	.....
Knittle.....	1	.....	.....
Lane.....	1	.....
McDonald.....	1	.....	.....	.....
MacManus.....	1	.....	.....	.....
Pope.....	1	.....	.....
Simpkins.....	1
Stinson.....	1	.....	.....	.....
Terrell.....	1
Upshaw.....	1	.....	.....	.....
Woods.....	1	.....	.....	.....
Woodward.....	1	.....	.....	.....
Total.....	1	14	6	3	6

The President placed before the Senate a message from the Governor,

nominating notaries public for certain counties.

On motion of Senator Terrell,
The Senate adjourned until to-
morrow morning at 10 o'clock.

FOURTEENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, January 26, 1887. }
The Senate met pursuant to ad-
journalment.

Lieutenant Governor Wheeler in the
chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Burges,

The reading of the Journal of yes-
terday was dispensed with.

PETITIONS AND MEMORIALS.

BY SENATOR HARRISON.

Protest of some of the business men
of Waco against the passage of the
bucket shop bill.

Referred to Judiciary Committee
No. 2.

BY SENATOR UPSHAW.

Protest of citizens of Cleburne
against the passage of the bill relative
to charges for the use of telephones.

Referred to Committee on Internal
Improvements.

BY SENATOR JARVIS.

Same from citizens of Fort Worth.
Referred to same committee.

BY SENATOR BURNBY.

Same from citizens of San Antonio.
Referred to same committee.

BY SENATOR CLAIBORNE.

Same from citizens of Galveston.
Referred to same committee.

REPORTS OF STANDING COM- MITTEES.

BY SENATOR FRANK:

COMMITTEE ROOM, }
AUSTIN, January 25, 1887. }
Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Committee on Engrossed
Bills have carefully examined and
compared Senate bill No. 85, being an
act to be entitled "An act to estab-

lish and organize the county of Mills,
and find the same correctly engrossed.
FRANK, chairman.

COMMITTEE ROOM, }
AUSTIN, January 25, 1887. }
Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Committee on Engrossed
Bills have carefully examined and com-
pared Senate bill No. 45, being an
act to amend an act entitled "An act
to amend Article 3602, chapter 10, title
71, of the Revised Civil Statutes of the
State of Texas," relating to the hiring
of county convicts, approved May 4th,
1882, and find the same correctly en-
grossed.

FRANK, chairman.

COMMITTEE ROOM, }
AUSTIN, January 25, 1887. }
Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Committee on Engrossed
Bills have carefully examined and com-
pared Senate bill No. 74, being an act
to be entitled "An act to provide for
the relieve of citizens of Texas, suffer-
ing by reason of the drouth, to make
an appropriation therefor, and to pre-
scribe the manner in which it shall be
distributed, and find the same cor-
rectly engrossed.

FRANK, chairman.

COMMITTEE ROOM, }
AUSTIN, January 25, 1887. }
Hon. T. B. Wheeler, President of the
Senate

Your Committee on Engrossed Bills
have carefully examined and compared
Senate bill No. 12, being an act en-
titled "An act to amend Article 617,
chapter 2, Code of Criminal Procedure
of Texas," and find the same correctly
engrossed.

FRANK, chairman.

COMMITTEE ROOM, }
AUSTIN, January 25, 1887. }
To Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Committee on Engrossed
bills have carefully examined and com-
pared Senate bill No. 52, being "An act
to provide for the separation of pastures
or adjoining fences, and to prescribe a
penalty for a violation of the provision
of this act," and find the same correctly
engrossed.

FRANK, chairman.